



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

April 30, 2009

Certified Mail: 7002 0510 0003 2320 0964

Mr. Allen Stroh, Director
Monterey County Health Department
Environmental Health Division
1279 Natividad Road, Suite B301
Salinas, California 93906

Dear Mr. Stroh:

The California Environmental Protection Agency (Cal/EPA), Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the Monterey County Certified Unified Program Agency (CUPA) on April 8 and 9, 2009. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review; I find that the Monterey County CUPA program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Status Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Status Reports to Mary Wren-Wilson every 90 days after the evaluation date. The first deficiency progress report is due on July 8, 2009.

Cal/EPA also noted during this evaluation that Monterey County has worked to bring about a number of local program innovations, including outstanding relationships with other local, county, state, and federal agencies. In addition, Monterey County has maintained an excellent outreach program for over a decade. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Allen Stroh, Director
Page 2
April 30, 2009

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original Signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Mr. Richard LeWarne
Assistant Director
Monterey County Environmental Health Division
Hazardous Materials Management Services
855 E. Laurel Drive, Bldg. H
Salinas, California 93906

Mr. Bruce Welden, Supervisor
Monterey County Environmental Health Division
Hazardous Materials Management Services
855 E. Laurel Drive, Bldg. H
Salinas, California 93906

Ms. Mary Wren-Wilson
Cal/EPA Unified Program
P.O. Box 2815
Sacramento, California 95812-2815

Mr. Terry Snyder
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Francis Mateo
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Allen Stroh, Director
Page 3
April 30, 2009

cc: Sent via email:

Mr. Fred Mehr
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

Mr. Kevin Graves
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Ms. Terry Brazell
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Ms. Asha Arora
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Ben Ho
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Brian Abeel
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: County of Monterey

Evaluation Date: April 8 and 9, 2009

EVALUATION TEAM

Cal/EPA: Mary Wren-Wilson and John Paine
SWRCB: Terry Snyder
OFM: Francis Mateo

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Mary Wren-Wilson at (916) 323-2204.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility compliance inspections during the last year. The CUPA Self Audit listed compliance inspection percentage at 69%. Historically, the CUPA inspection frequencies were 100% during the past two years. The CUPA's goal is to meet the inspection frequencies and conduct the compliance inspection during the annual monitoring certification. The CUPA has achieved 50% inspection compliance for 2008-09 in less than 6 months and should reach 100% this year in conjunction with management priority directive to inspect all UST facilities yearly.</p> <p>These new inspectors filled the vacancies created by the recent departure of three veteran inspectors. It was during this period of inspector vacancies that the CUPA did not meet the mandated frequency. The CUPA will continue using a risk-based evaluation process to first inspect the facilities with the highest potential for environmental impacts or are recalcitrant in returning to compliance after Notice of Violation. Inspectors also respond to emergency response on the day of the annual</p>	<p>This deficiency is considered corrected at this time due to the CUPA's current inspection rate and the hiring, training, and certification of three new inspectors.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>Monitoring Certification as needed. This provides maximum protection for the environment yet may reduce compliance frequencies. The CUPA is training all inspectors in emergency response procedures and will be able to deploy them in a more efficient manner and this will increase the amount of time spent on inspections.</p> <p>HSC, Ch. 6.7, sec. 25288(a) (SWRCB)</p>	
2	<p>Some of the CUPA's reviewed UST facility files did not contain Designated Operator/Owner Understanding and Compliance statements or they were not current.</p> <p>The owner shall inform the local agency of any change of designated UST operator(s) no later than 30 days after the change.</p> <p>Since January 1, 2005, owners of underground storage tank systems have been required to submit a signed statement to the local agency indicating that the owner understands and is in compliance with all applicable underground storage tank requirements, and identifying the designated UST operator(s) for each facility owned.</p> <p>CCR, Title 23, Section 2715(a) (SWRCB)</p>	<p>The CUPA by April 9, 2010 will review UST files for the required statements and will request these to be submitted during the annual inspections from the UST owner/operators as necessary.</p>
3	<p>The CUPA's UST facility files reviewed did not contain monitoring or response plans or they were not current.</p> <p>CCR, Title 23, Section 2632(d), 2711(a) (SWRCB)</p>	<p>The CUPA will request monitoring and response plans to be submitted during the annual inspections from the UST owner/operators as necessary.</p> <p>By April 9, 2010, all UST facility files will contain approved monitoring and response plans. Also the CUPA should update its files with the new Forms A (Facility Information), B (Tank Information), and D (Monitoring) which contain new fields of information from the old forms. This was part of the new Title 27 regulations adopted last year.</p>

CUPA Representative

Bruce Welden
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Mary Wren-Wilson
(Print Name)

Original Signed
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** In reviewing Business Plan files, most of the forms being used by businesses were the OES 1237 forms. In addition, the CUPA business plans and inventories forms available for local businesses on the Monterey County website were the old versions.

Recommendation: The CUPA should provide the most recent version of the Uniform Program Consolidated Forms (UPCF 12/07) and update the website and replace the old forms to the most recent ones.

2. **Observation:** The CUPA's permit does not include all the UST specific elements. It is missing monitoring requirements of both tanks and piping. Also the underground storage tank identification number (ID) for which the permit was issued is missing.

Recommendation: The State Water Resources Control Board recommends that the CUPA will issue permits with monitoring requirements or attach an approved Monitoring Plan and include underground storage tank ID numbers. The monitoring requirements may be shown as: Monitoring or programming for monitoring will be conducted at the locations of the following equipment, if installed: monitoring system control panels; sensors monitoring tank annular spaces, sumps, dispenser pans, spill containers, or other secondary containment areas (e.g. double-walled piping); mechanical or electronic line leak detectors; and in-tank liquid level probes (if used for leak detection). Also monitoring options for automatic pump shutdown, fail safe operation, or other programming options will be specified.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The Monterey County CUPA has a comprehensively developed and well-balanced program. The success of the program seems to be directly attributable to attention to detail and excellent overall program management. The CUPA Manager, Bruce Welden, has demonstrated the ability to successfully lead the CUPA organization through transition and adversity by providing outstanding leadership, oversight and guidance. He is supported by a staff of highly trained and dedicated professionals. For example, though the CUPA lost three experienced inspectors in a 12 month period, the staff exceeded the minimum inspection frequency for all programs except for the annual UST inspections. Now that they are again fully staffed, the CUPA is back on track to achieve their goal of annual inspections in all program elements. Inspections are just one example of outstanding program implementation by the Monterey County CUPA. They also excel in several other program areas such as community outreach, enforcement, and the use of technology. The Cal/EPA Evaluation Team Leader intends to nominate the Monterey County CUPA for either the Cal/EPA Secretary's Environmental Protection Award or a Unified Program Agency Environmental Safety and Leadership Award, which is presented at the Annual UP Training Conference.
2. The Monterey County CUPA has maintained an excellent outreach program for over a decade. They are dedicated to providing educational outreach to their community. This has been accomplished through various annual workshops, educational pamphlets, and onsite facility training. For example,

Certified Unified Program Agency (CUPA)

Evaluation Summary of Findings

they put on three large workshops in 2007-2008 with two focused on environmental compliance, and another covering ammonia safety. One environmental compliance workshop was held in the Salinas area, focusing on local businesses and public agencies, and it attracted over 300 attendees. The other environmental compliance workshop was held in the King City area, with a focus on agriculture, and it attracted over 90 attendees. The 15th Annual Salinas Valley Ammonia Safety Day attracted over 715 attendees for a range of training topics on ammonia safety. They also held two smaller evening open house events in Salinas and King City to assist businesses in completing the required CUPA paperwork, and held an ammonia release reporting workshop that attracted 75 attendees to learn about proper reporting procedures for ammonia release incidents.

The Monterey County CUPA has maintained a comprehensive website where the public can access program information such as fees, procedures, program forms, past workshop presentations, and educational pamphlets. Their pamphlets are available in English and Spanish to accommodate the regional diversity. In addition, various staff members have participated in public speaking at local community colleges, trade associations, and the CUPA Conference.

3. The Monterey County CUPA Enforcement Program is aggressive, yet fairly implemented. The development and initiation of an enforcement model has resulted in numerous statewide enforcement actions such as the 7-11, Home Depot, and AT&T cases. The CUPA's practice of reinspecting regulated facilities where significant violations were identified during routine inspections has proven to be effective in ensuring a level playing field. The majority of the inspection staff have received extensive enforcement training which has led to a deeper understanding the principles and application of their own enforcement program. This training includes Western States enforcement training and the completion of the Federal Law Enforcement Training Center program in Advanced Environmental Crimes. The CUPA Inspection Checklists are very detailed and organized. They contain all the required elements for compliance and are an excellent resource for complete and thorough inspections.
4. The CUPA is using technology to improve their management of data. To supplement their existing Envision data management system, they are scanning and importing hard copy records into a software called "Questys" that will provide ease of access to their business files. Information being scanned includes the Unified Program Consolidated Forms, annual permits, inspection reports, enforcement actions, and various other documents. In addition, the CUPA plans to incorporate an electronic field inspection component in the near future. The combination of these technologies will lead to improved file maintenance, access to information, and electronic reporting.
5. The CUPA has developed outstanding relationships with other local, county, state, and federal agencies. This has been achieved through joint training ventures such as hazmat and emergency response training with the fire departments in Monterey County. They are also members of local and regional task force teams, various state-wide Unified Program workgroups and committees, and the Bay Area Regional CUPA Forum Board. The CUPA is also extensively involved with all remediation and cleanup activities at sites within the county, even those handled by the DTSC and Regional Water Board. They are part of the Operational Area Emergency Response Team with highly specialized and trained staff who are available on a on-call basis, 24/7. Team training includes regional chemical and biological emergency response components. As a result of these relationships, there is significant compliance from the regulated community.